

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:18-cv-00261-MR-WCM**

SHANNON ROSENBLOOM,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
DEE HUNLEY, KAREN REID, and)	
HAND AND STONE MASSAGE AND)	
FACIAL SPA,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on the Defendants’ Motions to Dismiss [Docs. 7, 10]; the Magistrate Judge’s Memorandum and Recommendation [Doc. 16] regarding the disposition of those motions; and the “Conditional” Objections to the Memorandum and Recommendation filed the Defendant H&S Asheville South, L.L.C., d/b/a Hand and Stone Massage and Facial Spa (“H&S”) [Doc. 17].¹

¹ The Motion to Dismiss filed by H&S contains defenses and arguments for dismissal that were not addressed by the Magistrate Judge in the Memorandum and Recommendation. H&S has submitted its “conditional” objections in order to preserve such arguments and defenses. Because the Court accepts the Magistrate Judge’s Memorandum and Recommendation on the grounds as stated therein, the Court need not address the objections asserted by H&S.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge, was designated to consider the Defendants' motions and to submit a recommendation for their disposition.

On April 9, 2019, the Magistrate Judge filed a Memorandum and Recommendation in this case containing conclusions of law in support of a recommendation regarding the motions to dismiss. [Doc. 16]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. Defendant H&S timely filed its "Conditional" Objections on April 23, 2019. [Doc. 17].

After careful consideration of the Memorandum and Recommendation and the Defendant's Objections thereto, the Court finds that the Magistrate Judge's proposed conclusions of law are correct and consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation that the motions to dismiss should be granted. H&S's "conditional" objections therefore need not be addressed and are therefore overruled.

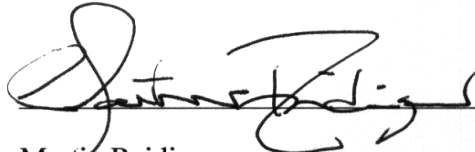
IT IS, THEREFORE, ORDERED that H&S's "Conditional" Objections to the Memorandum and Recommendation [Doc. 17] are **OVERRULED**; the

Memorandum and Recommendation [Doc. 16] is **ACCEPTED**; and the Defendants' Motions to Dismiss [Doc. 7, 10] are **GRANTED**, and the Plaintiff's claims against the Defendants are hereby **DISMISSED WITH PREJUDICE**.

The Clerk of Court is respectfully directed to close this case.

IT IS SO ORDERED.

Signed: May 22, 2019


Martin Reidinger
United States District Judge

